Nos. 84-1493 & 84-1509

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IN THE
Supreme Court of the United States
OCTOBER TERM, 1984

NATIONAL LABOR RELATIONS BOARD,
Petitioner,
v.
FINANCIAL INSTITUTION EMPLOYEES OF AMERICA, LOCAL 1182, UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, *et al.*,
Respondents,
and
SEATTLE FIRST NATIONAL BANK,
Petitioner,
v.
FINANCIAL INSTITUTION EMPLOYEES OF AMERICA, LOCAL 1182, UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, *et al.*,
Respondents.

On Petitions for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

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MEMORANDUM FOR THE UNION RESPONDENT IN REPLY TO THE PETITIONS FOR A WRIT OF CERTIORARI

GEORGE MURPHY
EDWARD WENDEL
1775 K Street, N.W.
Washington, D.C. 20006

MARSHA BERZON
177 Post Street, Suite 600
San Francisco, CA 94108

DAVID M. SILBERMAN
LAURENCE GOLD
(Counsel of Record)
815 16th Street, N.W.
Washington, D.C. 20006
(202) 637-5390

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MEMORANDUM FOR THE UNION RESPONDENT IN REPLY TO THE PETITIONS FOR A WRIT OF CERTIORARI

Respondent, Financial Institution Employees of America, Local 1182, does not oppose the petitions for a writ of certiorari to review the decision of the Ninth Circuit in this case.

While we believe that the decision below is entirely sound and should be affirmed by the Court, we agree with petitioners: (a) that the Ninth Circuit's decision is in conflict with the decision of the Fifth Circuit in *Oil Workers Local 4-14 v. NLRB*, 721 F.2d 150 (1983); and (b) that the question posed here—whether the National Labor Relations Act, as amended, grants to employees in a collective bargaining unit who have chosen not to become members of the union that represents that unit the right to participate in a vote as to whether the union will affiliate with another union—is a recurring one of profound importance to the proper administration of the NLRA.

Accordingly, under this Court's criteria for exercising its discretionary review authority, this case does appear worthy of plenary consideration.

Respectfully submitted,

GEORGE MURPHY
EDWARD WENDEL
1775 K Street, N.W.
Washington, D.C. 20006

MARSHA BERZON
177 Post Street, Suite 600
San Francisco, CA 94108

DAVID M. SILBERMAN
LAURENCE GOLD
(Counsel of Record)
815 16th Street, N.W.
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(202) 637-5390